

**CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2014-01598-(5)
DIRECTOR'S REVIEW CASE NO. RPP 201400584**

PROJECT DESCRIPTION

The applicant is proposing a new 5 story building, with 16 residential apartment units, and a 1,400 square foot ground floor commercial establishment on a 14,000 square foot lot. Parking will be at ground level and subterranean, with a total of 40 (34 std., 4 comp., 2 disabled) stalls, plus one loading zone for the commercial use. Landscaping provided will slightly exceed the 10 percent lot area requirement at 1,530 square feet. The development of the mixed use residential-commercial structure is proposed on an application for such use allowed by Director's Review in the previous C-3 (Unlimited Commercial) Zone. The application was grandfathered following the zone change on the property to R-3 with the Countywide General plan update in November 2015, and is permitted to be grandfathered under County Code Section 22.16.225.C. The development of the use is pursuant to the standards of the Director's Review of Part 18, Chapter 22.52, County Code Section 22.52.1900. The project structure height is proposed at 55 feet which is permitted for mixed use development. The fifth story is used for roof access.

GENERAL CONDITIONS

1. This grant authorizes demolition of existing structures on the property and construction of a new mixed development, with Director's Review and approval for 16 apartment units and a 1,400 square foot commercial suite at ground level of a 5 story building. Parking will be at ground and subterranean levels. Approval is contingent upon final approval and issuance of building permits by the Building and Safety Division of County Public Works.
2. Unless otherwise apparent from the context, the term ~~permittee~~ shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning (~~Regional Planning~~) their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been notarized as required by Condition No. 8, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 3 and Condition Nos. 5, 6, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
4. Unless otherwise apparent from the context, the term **"date of final approval"** shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
5. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this Director's Review approval in concept, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

6. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

7. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **notarize the terms and conditions** of the grant. In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
9. This grant shall expire unless used within three (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$0.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **0 annual inspection(s)**. Inspections may be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. The permittee shall submit the Director's Review approval to County Public Works Building and Safety Division in the San Gabriel Valley, located at 125 S. Baldwin Avenue, Arcadia, California 91007, for processing, review, approval and issuance of Building Permits.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code. The applicant shall contact the Fire Department to ensure that full compliance with all requirements set forth by the Fire Department are covered, and to make payment on the fire protection facilities fee in effect in the project area.
13. All development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the site plan approved by the Director.
14. The permittee shall maintain the subject property in a neat and orderly fashion.
15. The subject property shall be developed and maintained in substantial compliance with the site plans approved by the Director. If changes to the site plan are required as a result of instruction given by County Public Works, **four (4) copies of** a revised site plan shall be submitted to Regional Planning for amendment prior to the expiration of the Director's Review approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS

16. The permittee shall not be allowed to convert the approved commercial suite into a restaurant or food take-out establishment unless plans are first reviewed and approved by Regional Planning.
17. Any use listed under County Code Section 22.52.1920 shall be prohibited in the commercial suite.
18. Per Public Works, all conditions contained in their letter dated June 28, 2016, for the project, Conditions 1.1 to 1.10, and 2.1 to 2.4, shall be implemented and applied to the project.
19. In addition, per Public Works, provide a streetlight on a concrete pole with underground wiring along the property frontage on Tyler Avenue as specified in Public Works letter dated March 23, 2015, for street lighting requirements. Satisfy other annexation to street lighting district and agreement to improve as indicated in letter.
20. The permittee is expected to work diligently to complete all requirements set forth by County Public Works and obtain the necessary building permits from its Building and Safety Division. Final approval contingent upon approval of project by Public Works.